

## REMARKS

This Amendment and Response is filed in reply to the Office action dated July 2, 2007. Claims 9, 10, 16 and 21 are amended, claim 11 is cancelled and claims 26-27 are previously canceled. Accordingly, after entry of the Response, claims 1-10, 12-25 and 28-40 are pending.

### I. Claim Rejections under 35 U.S.C. § 103

Claims 1-25, 28-30, 32, 33, 35 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,892,354 to Servan-Schreiber et al. (hereinafter "Servan") in view of U.S. Patent No. 6,385,592 to Angles et al. (hereinafter "Angles"). Claims 31, 34, 36-38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Servan in view of Angles and in further view of U.S. Patent No. 6,317,789 to Rakavy et al. (hereinafter "Rakavy").

A proper prima facie obviousness rejection requires that the combined references teach or suggest all of the claim limitations. See *MPEP* § 2143. Initially, the rejections of independent claims 1, 9 and 21 are addressed.

#### **A. Independent claim 1 is patentable because neither Servan nor Angles discloses the limitation of a user profile containing program participation parameters including rules for disseminating the user demographic information**

Independent claim 1 includes the limitation of "a user profile containing user demographic information" and "program participation parameters including rules for disseminating the user demographic information." It is respectfully submitted that neither Servan nor Angles, alone or in combination, teach this limitation. As stated in the Office action, "Servan-Schreiber fails to teach...a user profile containing...program parameters including rules for disseminating the user demographic information." See *Office action* pg. 3. Therefore, the Office action relies on Angles to teach this limitation. However, it is respectfully submitted that Angles similarly fails to teach the limitation required by claim 1.

Angles describes a system for delivering customized advertisements to a user of a network comprising a consumer computer, a content provider computer, and an advertisement provider computer. In order to provide a customized advertisement, "the advertisement module uses the consumer member code to access the corresponding consumer preferences." See *Angles, Figure 8 and col. 20 lines 60-62*. The advertisement modules then "processes the consumer preferences to determine the appropriate customized advertisement." See *Angles, col. 20 lines 63-65*. In other words, the advertisement module described by Angles receives a member code identifying the user, uses that code to access the demographic information of the

user and, based on the demographic information, selects a customized advertisement to present to the user. However, Angles fails to describe the inclusion of rules for disseminating the user demographic information in the user profile as required by claim 1.

In fact, there would be no motivation to provide rules for disseminating user information in Angles because Angles does not disseminate user information. The system described by Angles retains the user demographic information exclusively within the advertisement module throughout the system process. Because Angles does not contemplate the dissemination of the user demographic information, it would be unnecessary to provide rules for such dissemination. Therefore, not only does Angles not provide a user profile that contains "rules for disseminating the user demographic information" as required by claim 1, there would be no motivation to provide rules for disseminating user information. For at least the reasons stated above, neither Servan nor Angles, alone or in combination, teach all of the limitations of claim 1. Accordingly, it is respectfully submitted that claim 1 is allowable over the cited combination and such indication is requested.

**B. Independent claim 9 is patentable because neither Servan nor Angles discloses the limitation of a first module configured to determine a time period available for presenting one or more messages, wherein the time period comprises an approximate quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information.**

As amended, independent claim 9 includes the limitation of "a first module configured to determine a time period available for presenting one or more messages, wherein the time period comprises an approximate quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information." Support for this amendment can be found in previously presented claim 10 and paragraph 0053 of the present application. The Office action relies on Servan to teach this limitation. See *Office action*, pg. 6-7. However, it is respectfully submitted that Servan fails to teach the limitation as required by amended claim 9.

Servan describes a method for presenting advertisements on-line during the idle time of the internet session. Briefly, the method described by Servan downloads advertisements to a user's computer during idle time of an internet session and presents the advertisements "when the user clicks on a link from a currently displayed web page in order to request that a new web page be downloaded." See *Servan*, col. 3, lines 22-24. The advertisements are then presented to the user "for a minimum time T or until a new page is sufficiently downloaded, whichever is

greater. Such minimum time can be preset to any amount of time.” See *Servan*, col. 4, lines 29-33. In other words, the method in *Servan* provides pre-downloaded advertisements to a user when the user attempts to access the web site, with the advertisements being provided for at least a preset minimum amount of time. However, *Servan* fails to provide a step for determining a time period available for presenting the advertisement based on the approximate quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information as required by amended claim 9.

In fact, the inclusion of a step of determining a time period for presenting an advertisement based on the approximate time needed to download and view a requested website is contrary to the teaching of *Servan* and there would be no motivation to modify *Servan* in such a way. As stated above, when an advertisement is presented to the user in *Servan*, the message is displayed for at least a preset amount of time. Because *Servan* displays the advertisements to the user for a preset amount of time, it would be unnecessary to determine a time period available for presenting the advertisement. Therefore, not only does *Servan* not provide a step for determining a time period available for presenting one or more messages, wherein the time period comprises an approximate quantity of time needed for the web browser to establish the connection with the network node and to retrieve and present a viewable portion of the information as required by amended claim 9, the inclusion of such a step is contrary to the teaching of *Servan*. For at least the reasons stated above, neither *Servan* nor *Angles*, alone or in combination, teach all of the limitations of amended claim 9. Accordingly, it is respectfully submitted that amended claim 9 is allowable over the cited combination and such indication is requested.

**C. Independent claim 21 is patentable because neither *Servan* nor *Angles* discloses the limitation of estimating a first time period necessary to retrieve the content from the Internet site and presenting at least one message to the user in response to the estimated time of the first time period.**

Similarly, amended independent claim 21 includes the limitations of “estimating a first time period necessary to retrieve the content from the Internet site” and presenting at least one message to the user in response to “the estimated time of the first time period.” Support for this amendment can be found in paragraph 0053 of the present application. It is respectfully submitted that neither *Servan* nor *Angles*, alone or in combination, teach these limitations.

As stated above, *Servan* describes a method for presenting advertisements on-line during the idle time of the internet session. However, *Servan* fails to disclose estimating a time period to retrieve content from a website and using that estimated time period to present a

message to a user. Further, as demonstrated above in the discussion of amended claim 9, not only does Servan fail to provide a step for estimating a time period needed to retrieve content from a website, but the inclusion of such a step is contrary its teaching.

Similarly, Angles also fails to provide a step for estimating the time period needed to retrieve content from a website and presenting at least one message to the user in response to the estimated time. As stated above, Angles describes a system and method for delivering customized advertisements to a user of a network, but not in response to the estimated time needed to retrieve content from a website. *See Angles, col. 20, line 64 and col. 14, lines 29-39.* Thus, Angles fails to provide an advertisement to a user in response to an estimated time necessary to retrieve content from a website as required by amended claim 21. Therefore, for at least the reasons stated above, neither Servan nor Angles, alone or in combination, teach all of the limitations of amended claim 21. Accordingly, it is respectfully submitted that amended claim 21 is allowable over the cited combination and such indication is requested.

**D. Dependent claims 2-8, 10, 12-20, 22-25, 28-39 and 40 are patentable because they depend upon and contain all of the limitations of independent claims 1, 9 and 21.**

Dependent claims 2-8, 10, 12-20, 22-25, 28-30, 32, 33, 35 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Servan in view of Angles. Claim 11 is canceled. The remaining claims depend upon and contain all of the limitations of independent claims 1, 9 and 21. Therefore, for at least the reasons provided above, Servan in view of Angles fails to teach or suggest each and every limitation of the dependent claims. As such, dependent claims 2-8, 10, 12-20, 22-25, 28-30, 32, 33, 35 and 40 are patentable over Servan in combination with Angles. The Applicants thus respectfully request that the Examiner withdraw the rejections and allow these claims over the cited references.

Dependent claims 31, 34, 36-38 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Servan in view of Angles and in further view of Rakavy. However, these rejected claims depend, either directly or indirectly, from independent claims 1, 9 and 21. As demonstrated above, the combination of Servan and Angles fails to teach or suggest all of the limitations of independent claims 1, 9 and 21. As such, for at least the reasons provided above, dependent claims 31, 34, 36-38 and 39 are similarly patentable over Servan in combination with Angles and Rakavy. The Applicants thus respectfully request that the Examiner withdraw the rejections and allow these claims over the cited references.

II. Conclusion

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

This Amendment is submitted contemporaneously with a petition for a two-month extension of time in accordance with 37 C.F.R § 1.136(a). Accordingly, please charge Deposit Account No. 04-1415 in the amount of \$460.00. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner should require any additional information or otherwise desires to discuss the present matter with Applicant's attorney, please contact the undersigned attorney at 303-629-3427.

Dated: December 3, 2007.

Respectfully submitted,



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